

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

JAMES RIVER EQUIPMENT VIRGINIA, LLC,

Plaintiff,

UNITED STATES OF AMERICA,

Intervenor Plaintiff,

vs.

Civil Action No. 5:13-cv-28160

JUSTICE ENERGY COMPANY, INC.,

Defendant.

**INTERVENOR UNITED STATES OF AMERICA’S MOTION TO IMPOSE LIABILITY
ON THE ALTER EGOS OF DEFENDANT JUSTICE ENERGY COMPANY, INC.**

Intervenor United States of America (“United States”) moves the Court to enter an order allowing it to seek recovery from the alter egos of defendant Justice Energy Company, Inc. (“JEC”), to pay the civil contempt sanction imposed by the Court on the following grounds:

1. JEC is essentially a shell corporation with no substantive assets that is dominated and controlled by a limited liability company and certain other corporate entities which are dominated and controlled by their shareholders, James C. Justice II and James C. Justice III.
2. It would be an injustice to allow the alter egos of JEC to escape liability for the civil contempt sanction since their decisions and actions directly led to the imposition of the civil contempt sanction on JEC because these alter egos dominated and controlled JEC to engaging in the conduct which led to the imposition of the civil contempt sanction by the Court.
3. The United States believes that under applicable law that the alter egos of JEC are otherwise also liable for the civil contempt sanction imposed by the Court on JEC.

4. In further support of this motion, the United States relies on the deposition testimony of Stephen Ball, James C. Justice III, and James Miller, attached as Exhibits A, B, and C respectively to this motion. The United States also relies on a letter sent to counsel for JEC on May 31, 2019, attached as Exhibit D to this motion.

Therefore, the United States requests that the Court enter an order finding and holding that the alter egos of JEC, including the limited liability company, corporations, James C. Justice II, and James C. Justice III, are liable and obligated to pay the civil contempt sanction imposed on JEC. The United States requests such other and further relief as this Court deems appropriate.

Respectfully submitted,

**UNITED STATES OF AMERICA,
Intervenor,**

**MICHAEL B. STUART
United States Attorney**

s/Fred B. Westfall, Jr.

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America

CERTIFICATE OF SERVICE

I, Fred B. Westfall, Jr., Assistant United States Attorney for the Southern District of West Virginia, hereby certify that on June 5, 2019, I electronically filed the foregoing **INTERVENOR UNITED STATES OF AMERICA'S MOTION TO IMPOSE LIABILITY ON THE ALTER EGOS OF DEFENDANT JUSTICE ENERGY COMPANY, INC.** with the Clerk of the Court using the CM/ECF system which will send notification to the following CM/ECF participants:

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